

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

December 21, 2005

A meeting for the Board of Medical Examiners was held at 3:30 p.m. in the Tennessee Room located on the First Floor of the Cordell Hull State Office Building on December 21, 2005.

Members present: Drs. Subhi Ali, Allen Edmonson and Charles White, Sr.

Staff present: Rosemarie Otto, Executive Director; Dr. Larry Arnold, Medical Director; Robert J. Kraemer, Jr., Deputy General Counsel; Sandra Powell, Board Administrator, and Marsha Arnold, Unit Manager.

A meeting was held to ratify the Agreed Order in the matter of Joe Moss, MD. Dr. Moss was not present nor represented by legal counsel. Mr. Robert Kraemer represented the State. The panel was presented with a copy of the proposed Agreed Order. Dr. Moss is charged with violating TCA 63-6-214(b) (1), (3), (5) and (10). Dr. Moss has a history of both substance abuse and disciplinary action before the Board. In July, 1986, Dr. Moss entered into an Agreed Order placing his medical license on probation for a period of two (2) years for the personal use and misuse of controlled substances. The condition placed on his probation was that he maintains advocacy of the Tennessee Medical Association's Impaired Physician Program for the duration of his probation. Dr. Moss lost that advocacy due to use and misuse of various controlled substances. On February 4, 1987, pursuant to a default hearing, the Board suspended Dr. Moss' license indefinitely. On February 16, 1988, the board allowed Dr. Moss to reinstate his license on the condition that he enter into and comply with a contract with the Tennessee Medical Association's Impaired Physician Program, obtain one hundred (100) hours of continuing medical education, participate in monthly urine screens and the surrender of his DEA certificate. After one (1) year, Dr. Moss could appear before the Board and request the restrictions be lifted. On January 15, 1991 after an appearance before the Board, Dr. Moss was allowed to reapply for his DEA certificate. On June 24, 2005, Dr. Moss was convicted in the United States Court for the Middle Division of Tennessee pursuant to a guilty plea of both: felony of "obtaining controlled substances by fraud;" and the felony "submitting false and fraudulent dispensing records to the Drug Enforcement Agency." This conviction resulted from a relapse by Dr. Moss and his use and misuse of controlled substances. Dr. Moss was sentenced to five (5) years of probation and a fine of five thousand dollars (\$5,000.00). The proposed Agreed Order stated that Dr. Moss' medical license is suspended for a minimum of six (6) months from the date of the proposed Order. Dr. Moss must show satisfactory documentation of successfully completing an

evaluation through the Vanderbilt Comprehensive Assessment Program for Professionals (VCAPP) and compliance with all resulting recommendations of that program. Dr. Moss must successfully complete an evaluation through the Comprehensive Physician Evaluation Program (CPEP) and compliance with all resulting recommendations of that program. Dr. Moss must maintain continuous advocacy with the Tennessee Medical Foundation during the period of suspension. Dr. Moss must surrender his Drug Enforcement Agency Certificate permanently. Dr. Edmonson made a motion to accept the proposed Order and Dr. Ali seconded the motion. The motion passed unanimously.

The meeting was concluded at 4:00 p.m.

Dr. Allen S. Edmonson, Secretary

Date